IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1240 (S/S) of 2005

Amita Tiwari,
aged about 42 years,
Wife of Sri D.C. Tiwari,
resident of Forest Compound,
Lalkuan, Haldwani,
District – Nainital. .....Petitioner.

Versus.

1. State of Uttaranchal, through Principal Secretary, Medical Department, Civil Secretariat, Dehradun.
2. Chief Medical Officer, Nainital.
3. Sri H.S. Dhapola, son of not known to the petitioner, presently posted as Medical Officer, Additional Primary Health Centre, Lalkuan, Haldwani District – Nainital.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri Paresh Tripathi, learned counsel for the petitioner and learned standing counsel, who has accepted notices on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has challenged the transfer order dated 30.06.2005 passed by respondent no. 2 i.e. Chief Medical Officer, Nainital by which the petitioner, who is working as Female Health Worker, has been transferred to Primary Health Centre Motahaldu, Sub Centre – Lalkuan to Community Health Centre, Kotabagh, Sub Centre – Doneparewa on administrative ground.

Learned counsel for the petitioner has drawn my attention toward the transfer policy issued by the Government on 29.04.2005. Clause 6 of the aforesaid policy relates to transfer on administrative ground. Sub clause 1 to the Clause 6 of the aforesaid policy specifically states that transfer on administrative ground should be made on ground that there is complaint of misbehavior with higher officials against the employee or there is complaint to the effect that employee is not taking interest in his work and that too, transfer should be made after verification of the charges.

Learned counsel for the petitioner has submitted in paragraphs 10 to 12 to his writ petition that at no point to time the petitioner has misbehaved with the higher official and there is no allegation on the petitioner that she is not taking interest in the work or there is any complaint pending against the petitioner. In spite of this, the petitioner has been transferred on administrative grounds.

In view of the aforesaid circumstances, I direct the petitioner to make a representation raising her grievances before respondent no. 2 i.e. Chief Medical Officer, Nainital, within a period of ten days from today and respondent no. 2 shall decide the same within a period of three weeks from the date of receipt of certified copy of this order along with representation Till the decision is taken on the representation of the petitioner by the respondent no. 2, petitioner shall not be relieved, in case, she has not already been relieved.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 30, 2005
SKSharma